

GK:MJR  
F. # 2005R01305

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

ALVARO RAUL GARCIA and  
JEINY RAQUEL PENA,

Defendants.

- - - - - X

THE GRAND JURY CHARGES:

COUNT ONE

1. In or about and between February 2002 and October 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ALVARO RAUL GARCIA and JEINY RAQUEL PENA, together with others, did knowingly and willfully conspire to defraud an agency of the United States, to wit: the Internal Revenue Service, by obtaining and aiding others to obtain the payment of false, fictitious and fraudulent claims, to wit: tax refunds.

(Title 18, United States Code, Sections 286 and 3551 et seq.)

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ AUG 4 2005  
BROOKLYN OFFICE

**CR** INDICTMENT  
**05** **0600**  
Cr. No. 05-0600  
(T. 18, U.S.C. §§ 286,  
287, 2 and 3551 et seq.)

GERSHON, J.  
POHORELSKY, M.J.

COUNTS TWO THROUGH SEVEN

2. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant ALVARO RAUL GARCIA, together with others, did knowingly and intentionally make and present claims upon and against an agency of the United States, to wit: the Internal Revenue Service, which he knew to be materially false, fictitious and fraudulent, in that the defendant caused to be filed United States Individual Income Tax Return Forms 1040 on behalf of the individual taxpayers set forth below, whose identities are known to the Grand Jury, which Forms claimed refunds of taxes in the amounts set forth below, when he then and there well knew and believed that the Forms were made, filed and presented without the knowledge, permission or authorization of the individual taxpayers.

<u>COUNT</u>	<u>TAXPAYER NAME</u>	<u>FILING DATE</u>	<u>REFUND CLAIMED</u>
TWO	John Doe #1	2/6/02	\$4,732
THREE	John Doe #2	2/21/02	\$4,253
FOUR	John Doe #3	2/7/02	\$3,437
FIVE	John Doe #4	5/1/02	\$4,063
SIX	John Doe #5	2/15/02	\$5,251
SEVEN	John Doe #6	2/11/02	\$3,418

(Title 18, United States Code, Sections 287, 2 and 3551  
et seq.)

A TRUE BILL

Pauline White  
FOREPERSON

Roslynn R. Mauskopf  
ROSLYNN R. MAUSKOPF  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

No. \_ \_ \_ \_ \_

**UNITED STATES DISTRICT COURT**  
EASTERN District of NEW YORK

THE UNITED STATES OF AMERICA  
vs.

ALVARO RAUL GARCIA and  
JEINY RAQUEL PENA,

Defendants.

**INDICTMENT**

Cr. No. \_\_\_\_\_  
(T. 18, U.S.C., §§ 286, 287, 2 and 3551, et seq.)

A true bill.

*Pauline White*

Foreman

Filed in open court this \_\_\_\_\_ day.

Of \_\_\_\_\_ A.D. 19 \_\_\_\_\_

Clerk

Bail, \$ \_\_\_\_\_

MICHAEL RAMOS, AUSA (718) 254-6532